THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): (a) (i) The Hon'ble Supreme Court, in Writ Petition (Civil) No. 930 of 1990- Indira Sawhney *versus* Union of India and Others, held that reservation for SCs/STs/OBCs made under article 16(4) of the Constitution, may be called vertical reservation and the reservation made under Article 16(1) such as reservation for physically handicapped persons and ex-servicemen as horizontal reservation.

(ii) Horizontal reservation cuts across vertical reservation and the person selected against these reservations has to be placed in the appropriate category, such as, general/SC/ST/OBC.

(iii) As explained above the system of horizontal reservation does not deprive ex-servicemen of the benefit of reservation.

(b) In view of the answer to (a), the question does not arise.

Kidney transplant in army hospital

2348. SHRIMATI PREMA CARIAPPA
PROF. ALKA BALRAM KSHATRIYA:

Will the Minister of DEFENCE be pleased to refer to reply to Unstarred Question 11 given in the Rajya Sabha on 1.12.2004 and state:

(a) how many kidneys have been transplanted by the Army Hospital, Delhi during the last two years violating the transplantation of Human Organs Act; and

(b) what steps Government has taken to stop this illegal trade of kidney transplantation in Army Hospital in Delhi?

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): (a) and (b) No kidney transplantation has taken place in the army hospital, (Reserach & Referral), Delhi Cantt. in violation of the Transplantation of Human Organs Act during the last 2 years. However, after the lodging of First Information Report by a donor that he was not related to the recipient, the following measures have been adopted to prevent such incidences in future:—

(i) In place of a notarized certificate submitted by the recipient and signed by the donor, showing the relationship between the two, a certificate from a Class I magistrate is being obtained.

(ii) Police verification of the relationship with the donor is being established.

(iii) Transplant meetings are held prior to the kidney transplant. These are attended by the surgeons, nephrologists, anaesthetists, the kidney donor and the recipient patient. Such meetings are being video recorded. In these meetings the donor and recipient are being asked their names, relationship, addresses and willingness to donate and receive. Besides, both of them are made aware of the details of transplant surgery and their explicit consent obtained.

Steps to check false Human Rights to allegation

2349. SHRI VIJAY J. DARDA: Will the Minister of DEFENCE be pleased to state:

(a) whether Government are aware that many of Human Rights Groups and NGOs often inadvertently issue reports on excesses by Armed Forces without adequate verification and at times their activities often lead to trials by media;

(b) if so, what steps Government has taken so far to provide safeguards so that morale of our Armed Forces is not unduly affected by such allegations;

(c) has any comparative study been made on the Human Rights record of the Indian army and other armies of the world; and

(d) if so, what is the finding thereof?

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): (a) Yes, Sir.

(b) Adequate safeguards already exist under the provision of the Protection of Human Rights Act, 1993. On receipt of any complaints of violation of Human Rights by Army personnel, the National Human Rights Commission seeks a report from the Government. As per the Armed Forces (Special Powers) Act, 1958, no legal suit, proceedings can be initiated against a member of Armed Forces without prior sanction of the Central Government.

(c) No, Sir.

(d) Not applicable in veiw of (c) above.